

ORDINANCE NO. 28-08

**AN ORDINANCE AMENDING CHAPTER 14 OF THE FORT SMITH
MUNICIPAL CODE TO PROVIDE REGULATIONS FOR THE
PARKING OF COMMERCIAL
VEHICLES ON RESIDENTIAL STREETS AND PROPERTIES**

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE
CITY OF FORT SMITH, ARKANSAS THAT:

There is hereby adopted and added to Chapter 14 of the Fort Smith Municipal Code the following provisions:

SECTION 1:

- (a) **Restricted Parking.** It shall be unlawful to park or leave parked, standing, or unattended any commercial vehicle on any street or right-of-way classified as residential or as a residential collector by the Fort Smith Master Street Plan or on any property zoned residential or developed or utilized for residential purposes.
- (b) **Commercial vehicles defined.** For the purposes of this section, a commercial vehicle is defined as any of the following:
 - i) Any solid waste collection vehicle, truck tractor, truck trailer, or tractor truck/trailer combination, any heavy construction equipment, dump truck, concrete mixer truck, garbage truck, pump-out truck, chemical/gasoline truck, fuel or oil truck, or similar vehicle designed to transport waste, hazardous, or noxious materials;
 - ii) any vehicle with three or more axles;
 - iii) any commercial vehicle that has a gross vehicle weight rating (GVWR) greater than 16,000 pounds; or,
 - iv) any vehicle designed to transport 16 or more passengers including the driver.
- (c) **Exceptions.** The provisions of this section shall not apply to any commercial vehicle while making normal deliveries or being used to perform the special operations for which it is designed.

*Approved as to form
JSC
Publish 1 time*

SECTION 2: Enforcement. Any person determined to have violated the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to punishment as set forth in Section 1-9 of this Code of Ordinances.

SECTION 3: The effective date of this ordinance shall be October 1, 2008.

SECTION 4: The Codifier of the ordinances of the City will codify the provisions of this Ordinance in sections determined by the Codifier within Chapter 14 of the Fort Smith Municipal Code.

PASSED AND APPROVED THIS 17th DAY OF June, 2008.

APPROVED:



MAYOR

ATTEST:


CITY CLERK

Planning

1.

ORDINANCE NO. 32-08

**AN ORDINANCE AMENDING ORDINANCE NO. 28-08 TO PROVIDE
REGULATIONS FOR THE PARKING OF COMMERCIAL
VEHICLES ON RESIDENTIAL STREETS AND PROPERTIES**

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF
THE CITY OF FORT SMITH, ARKANSAS THAT:

Section 1: Section 1(c) of Ordinance No. 28-08 is amended to read as follows:

- i) The provisions of this section shall not apply to any commercial vehicle while making normal deliveries or being used to perform the special operations for which it is designed.
- ii) The provisions of this section shall not apply to any commercial vehicle at a legal non-conforming use as defined by section 27-39 of the Fort Smith Municipal Code.

Section 2: The codifier of the ordinances of the City will codify the provision of this Ordinance in sections determined by the Codifier within Chapter 14 of the Fort Smith Municipal code.

PASSED AND APPROVED THIS 15th DAY OF July, 2008.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

*Approved as to form
JSL
Publish 1 time*